

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

DATATREASURY CORPORATION, §  
§  
Plaintiff, § CIVIL ACTION NO. 2:06-CV-72-DF  
v. § JURY TRIAL DEMANDED  
WELLS FARGO & COMPANY, et al. §  
§  
Defendants. §

**AGREED MOTION TO DISMISS DEFENDANTS COMERICA INCORPORATED  
AND COMERICA BANK WITH PREJUDICE**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate Settlement, Release and License Agreement, the Plaintiff, DataTreasury Corp. (“DTC”) and Defendants Comerica Incorporated and Comerica Bank (collectively, “Comerica”), have agreed to settle, adjust and compromise all claims and counterclaims against each other in the above-captioned action. The parties move this Court to dismiss with prejudice in the above-entitled cause any and all claims by DTC against Comerica and to dismiss all counterclaims by Comerica against DTC.

DTC and Comerica also move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same. Other than Comerica, no other defendants shall be dismissed as a result of this Motion.

A proposed Order accompanies this motion.

Dated December 11, 2009.

Respectfully submitted,

**/s/ William H. Boice**

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#### **CERTIFICATE OF SERVICE**

I certify that on December 11, 2009, all counsel who are deemed to have consented to electronic service are being served with a copy of this document via electronic transmission.

/s/ Nelson Roach